

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,	:	Case No.: 3:07-CR-196-WHR
	:	
Plaintiff,	:	CONDITIONAL PLEA
	:	AGREEMENT
vs.	:	
	:	
ROGER DALE TRENT,	:	
	:	
Defendant.	:	

The defendant, **ROGER DALE TRENT** (hereafter, "Defendant"), individually and through his attorney, F. Arthur Mullins, Esq., and the United States Attorney's Office for the Southern District of Ohio (hereafter, "USAO"), through the undersigned Assistant United States Attorney, (collectively, "the parties"), agree as follows:

CONDITIONAL PLEA

1. This constitutes a conditional plea agreement between Defendant and the USAO in this action, pursuant to Federal Rule of Criminal Procedure 11(a)(2). Defendant agrees to plead guilty to the Indictment filed in this action, charging him with one count of Failure to Register as a Sex Offender, in violation of 18 U.S.C. § 2250(a). Defendant's guilty plea is conditional, in that Defendant reserves any right he may have to seek appellate review of the Court's Decision and Entry Overruling Defendant's Motion to Dismiss Indictment, filed on or about July 24, 2008 (Docket # 33). If Defendant prevails on appeal, Defendant will be allowed to withdraw Defendant's guilty plea.

WAIVER OF RIGHTS

2. Defendant understands that he has the following rights:

- to plead not guilty, or having already so pleaded, to persist in that plea;
- to a jury trial;
- to be represented by counsel—and if necessary have the court appoint counsel—at trial and at every other stage of the proceeding;
- at trial, to confront and cross-examine adverse witnesses, to be protected from compelled self-incrimination, to testify and present evidence, and to compel the attendance of witnesses.

Defendant further understands that if the Court accepts his guilty plea pursuant to this plea agreement, there will be no trial and he waives these trial rights.

STATUTORY PENALTIES AND SENTENCING

3. Defendant further understands that:

(a) the statutory minimum and maximum penalties for a violation of 18 U.S.C. § 2250(a) are: up to 10 years imprisonment, at least five years up to a lifetime of supervised release, and up to a \$ 250,000 fine;

(b) the Court has an obligation to impose a special assessment of \$100;

(c) supervised release is a period of time following imprisonment during which Defendant will be subject to various restrictions and requirements. Defendant further understands that if he violates one or more of the conditions of any supervised release imposed, Defendant may be returned to prison for all or part of the term of supervised release, which could result in Defendant serving a total term of imprisonment greater than the statutory maximum term of imprisonment stated above;

(d) that under the Sex Offender and Registration and Notification Act (SORNA), a federal law, Defendant must register and keep the registration current in each of the following

jurisdictions: where he resides; where he is an employee; and where he is a student. Defendant further understands that the requirements for registration include providing his name, his residence address, and the names and addresses of any places where he is or will be an employee or a student, among other information. Defendant further understands that the requirement to keep the registration current includes informing at least one jurisdiction in which he resides, is an employee, or is a student not later than three business days after any change of his name, residence, employment, or student status. Defendant further understands that the failure to comply with these obligations subjects him to prosecution for failure to register under federal and state law, including 18 U.S.C. § 2250, which is punishable by a fine or imprisonment, or both.

(e) there is no agreement as to what Defendant's sentence in this case will be, and the Court will determine Defendant's sentence. Defendant further understands that in determining Defendant's sentence, the Court has an obligation to calculate the applicable Sentencing Guidelines range and to consider that range, possible departures under the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a).

(f) the U.S. Probation Office ("Probation Office") will conduct a pre-sentence investigation and will recommend to the Court an advisory Sentencing Guidelines range, including, among other matters, a base offense level, specific offense characteristics, adjustments and any departures. The parties reserve the right to argue and offer supporting evidence as to the Sentencing Guidelines, including but not limited to a base offense level, specific offense characteristics, adjustments and departures, as well as offer evidence and argument otherwise relating to sentencing, including but not limited to the factors set forth in 18 U.S.C. § 3553(a). The Probation Office's recommendations do not bind the Court, and the parties' recommendations do not bind either the Court or the Probation Office.

(g) the Sentencing Guidelines are advisory, and the Court may impose a sentence up to the maximum penalties authorized by law.

DEFENDANT'S OBLIGATIONS

4. Defendant agrees:

(a) that he is, in fact, guilty of this offense as charged in the Indictment, and that the attached Statement of Facts, which is incorporated herein by this reference, is true and correct.

(b) not to withdraw or seek to withdraw his guilty plea or otherwise seek to have it set aside, except as may be permitted pursuant to paragraph 1 of this plea agreement.

(c) that he will pay to the United States Clerk of Court, prior to or at the time of sentencing, the mandatory special assessment in the total amount of \$100.

(d) that he is not a prevailing party as defined by the Hyde Amendment, Public Law 105-119, Title VI, Nov. 26, 1997 (set forth as a statutory note under 18 U.S.C. § 3006A) and hereby expressly waives filing any suit or asserting any claim against the United States, including its agents and employees, under said provision.

(e) to cooperate truthful and completely with the Court, the USPO, the United States Pretrial Services Office.

(f) not to commit any crime, and that nothing in this plea agreement authorizes Defendant to commit any crime.

THE USAO'S OBLIGATIONS

5. If Defendant complies fully with all of his obligations under this Plea Agreement, the USAO agrees:

(a) not to file additional criminal charges, including, but not limited to, charges based on 18 U.S.C. §2250(a), against Defendant for violations both occurring in the Southern District of

Ohio during the time period charged in the Indictment and arising out of the facts set forth in the attached Statement of Facts.

(b) at the time of sentencing, provided that Defendant demonstrates an acceptance of responsibility for the offenses up to and including the time of sentencing, to recommend a two-level reduction in the applicable sentencing guideline offense level, pursuant to U.S.S.G. § 3E1.1(a). Defendant understands that the USAO will not file the motion described in U.S.S.G. § 3E1.1(b) and will oppose any decrease in the offense level pursuant thereto.

NO OTHER AGREEMENTS

6. Except as set forth herein, there are no promises, understandings or agreements between the USAO and Defendant or Defendant's counsel. This agreement binds only the USAO and does not bind any other federal, state, or local prosecuting authority.

DEFENDANT'S ACKNOWLEDGMENT

7. By signing below, Defendant acknowledges and confirms that:

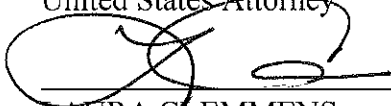
(a) he has had the plea agreement read to him and has thoroughly discussed its terms with his attorney, and that he completely understands and accepts those terms voluntarily, without duress or coercion, and of his own free will;

(b) this document contains the entire Plea Agreement between the Defendant and the USAO through its undersigned attorney. No agreements, promises, deals, bargains, inducements or understanding exist which modify or alter these terms;

(c) he has conferred with his attorney regarding this plea agreement and the facts and circumstances of this case, including the applicable law and potential defenses, and that he is fully satisfied with the representation, advice, and services of his attorney in this matter; and

(d) this Plea Agreement binds only the United States Attorney's Office for the Southern District of Ohio and does not bind any other federal, state or local prosecuting authority.

GREGORY G. LOCKHART
United States Attorney



LAURA CLEMMENS
Assistant United States Attorney

8/1/08

Date

Roger Trent
ROGER DALE TRENT
Defendant



F. ARTHUR MULLINS
Attorney for Defendant ROGER DALE TRENT

8/1/08

Date

8-1-08

Date

Exhibit A

STATEMENT OF FACTS FOR ROGER DALE TRENT

Defendant, ROGER DALE TRENT ("Defendant"), was born on May 7, 1971. On or about September 28, 1994, Defendant was convicted of Second Degree Rape in the Campbell County Kentucky Circuit Court (Case # 94-cr-00200) and sentenced to (5) five years confinement.

On May 7, 2007, Defendant was convicted of Sexual Battery, a Class D Felony, in Randolph Circuit Court, Randolph County, Indiana, and was sentenced to three years confinement with credit for time served and two years probation and was accordingly required to register as a sex offender. On May 11, 2007, Defendant signed an Indiana Sex Offender Registration Form Indiana which notified him of his duty to register as a sex offender until May 7, 2017 and that if his place of residence, his place of employment, or his place of education changed, he had seven (7) days to update his information in person with the [Indiana] County Sheriff's Office. On this form, Defendant stated that he lived at 9392 Seibt Road, Bradford, Ohio 45308.

On July 20, 2007, Defendant was arrested on a warrant in Randolph County, Indiana for violating conditions of his probation for failing to keep his probation officer informed of his home address when it was determined that he was not living at 9392 Seibt Road, Bradford, Ohio, as he had stated. On November 2, 2007, Defendant was released from jail in Randolph County, Indiana, but failed to provide authorities with a residential address within seven (7) days of his release, as required by the Indiana Sex Offender Registration Form he signed on May 11, 2007.

On November 25, 2007, Darke County Sheriff's deputies confirmed that Defendant was living at a residence located in Greenville, Ohio. At no time did Defendant notify Ohio

authorities of his address in Greenville, Ohio, nor did Defendant update Indiana authorities with his new Ohio address after his release on November 2, 2007. Between on or about November 2, 2007 and November 25, 2007, Defendant knowingly failed to register and update a registration as required by the Sex Offender Registration and Notification Act. ("SORNA").

AGREED AND ACCEPTED AS TRUE:

Roger Trent
ROGER DALE TRENT
Defendant

8/1/08
Date